

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	03-Cr-211 (SHS)
 -against-	:	
GEORGE ENRIQUE HERBERT,	:	<u>ORDER</u>
 Defendant.	:	

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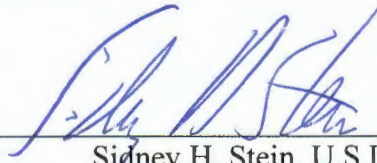
SIDNEY H. STEIN, U.S. District Judge:

On May 24, 2022, defendant moved for compassionate release [Doc. No. 89]. On May 25, 2022, the Court appointed counsel for Mr. Herbert in connection with his application for compassionate release and counsel filed a supplemental submission on August 18, 2022 [Doc. No. 96]. Nothing having been filed by the government in response, the Court on August 30, 2022, ordered that "if the government intends to oppose that application by this nonviolent first-time offender who was tried when the Guidelines were mandatory, and presumably will be deported upon his release, it should set forth its reasons in writing on or before September 16, 2022." The government once again did not respond. On November 7, 2022, this Court's chambers sent an email to AUSA Eun Young Choi inquiring as to whether the government intended to file a response. To date, the government has not filed a response.

IT IS HEREBY ORDERED that if the government fails to respond to defendant's motion for compassionate release on or before December 14, 2022, the Court shall consider Mr. Herbert's motion for compassionate release to be unopposed.

Dated: New York, New York
December 7, 2022

SO ORDERED:



Sidney H. Stein, U.S.D.J.